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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,311	06/06/2001	Bruce Barger	CM2373	7052

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EXAMINER

STINSON, FRANKIE L

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/875,311

Applicant(s)

BARGER ET AL.

Examiner

FRANKIE L. STINSON

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 1/3/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 and 31-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 AND 31-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4-9, 11, 12, 15-29 and 31-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over de Sebastian (U. S. Pat. No. 6,125,860) in view of either Gordon et al. (WO 99/20724) or Cardola et al. (WO 99/60086)

Re claims 1, 33 and 34, de Sebastian is cited disclosing a method/process of cleaning the surface of an vehicle comprising contacting the surface with an aqueous cleaning solution (high pressure water and soap), and then rinsing the surface with purified rinse water (see col. 5, lines 1-34) using a hand-held sprayer (191) that is attached to a garden hose (228) when said sprayer is in use, said sprayer comprising a water purifier (2) when said sprayer is in use, purifier comprises ion exchange resin (not shown, see col. 5, line29-33), that differ from the claims only in the recitation of the composition having a pH less than nine or neutral and a polymer to render the surface hydrophilic. The Gordon and Cardola references are each cited disclosing an aqueous cleaning composition for cleaning surfaces like car/automobile exteriors (see Gordon col. 22, lines 56-57 and Cardola col.19, lines 31-32) which has a pH less that nine or neutral (see Gordon col. 7, lines 38-54 and examples "B" and "F" in col. 23 and Cardola, col. 3, lines 30-44) and a polymer (col. 7, lines 31-37 as well as col. 7, line 66 in Gordon and col. 9, lines 52-67 through col. 10, lines 1-11 in Cardola). It therefore would have been obvious to one having ordinary skill in the art to substitute for the cleaning

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solution/composition in de Sebastian, a cleaning solution/composition as taught by either Gordon or Cardola, since the is deemed to be the substitution of equivalents (see MPEP 2144.06 "SUBSTITUTING EQUIVALENTS KNOWN FOR THE SAME PURPOSE") and since de Sebastian disclose that "various modification and structural changes may be made", (col. 7, lines 29-34). Re claim 4, de Sebastian, Gordon and Cardola disclose the surfaces as claimed. Re claims 5-8, in regard to the contact angles, please note that since Gordon and Cardola both employ the same polymers, the contact angles as claimed are therefore deemed to be inherent. Re claim 9, Gordon and Cardola each disclose the additional components (see Gordon, col. 7, line 61 through col. 8, lines 1-5 and in Cardola, col. 10 line 62 through col. 11, lines 1-4). Re claim 11, de Sebastian discloses the passing of the water through the water purifier. Re claim 12, de Sebastian discloses the purifying device comprising among other things an ion exchange resin. Re claims 15 and 16, de Sebastian discloses the spraying of the composition and purified water from the same spraying device. Re claim 17, de Sebastian discloses the passing of the water through a hose to the purifier and the subsequent spraying by the spraying device. Re claims 18 and 19, Gordon and Cardola disclose the pH values as claimed. Re claim 20-23, both Gordon and Cardola disclose the polymer/copolymer, the carboxylic/acrylic/methacrylic /maleic acid, nonionic surfactant and while Gordon discloses the alkyl polysaccharide (col. 9, lines 33-43). Re claim 25, de Sebastian, Gordon and Cardola disclose the surface being that of a vehicle. Re claim 26, Gordon (see col. 7, lines 1-22) and Cardola (col. 9, line 53 through col. 10 lines 1-11) each disclose the polymers being left behind on the surface after

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rinsing. Re claim 27-29, to have the surface remaining hydrophilic after the addition rinses is deemed to be inherent in that the characteristics of the instant compositions as claimed is the same as that taught by the prior art. Re claims 32 and 35-37 de Sebastian discloses the hose end sprayer comprising a container (2) for storing cleaning composition.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claim 1 above, and further in view of either Johnston et al. (U. S. Pat. No. 4,764,047) or Evans (U. S. Pat. No. 3,459,334).

Claim 2 defines over the applied prior only in the recitation of the step of pre-wetting the surface before the application of the cleaning composition. Johnston (see col. 5, lines 55-65) and Evans (see col. 4, lines 6-13) each disclose the step of washing a surface (of a vehicle) where the surface is pre-wetted before the application of the cleaning composition. It therefore would have been obvious to one having ordinary skill in the art to modify the washing process of de Sebastian, to pre-wet the surface/vehicle prior to contacting the same with cleaning composition, for the purpose of softening the soils/debris for easier removal.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claim 1 above, and further in view of Huebner et al. (U. S. Pat. No. 3,658,590)

Claim 3 defines over the applied prior art only in the recitation of rinsing the surface with tap water between the step of contacting the surface with cleaning composition and the step of rinsing the surface with purified rinse water. Huebner is cited disclosing a

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process for washing a surface where there is provided a step of providing a tap water rinse between the step of contacting the surface with cleaning composition and the step of rinsing the surface with purified rinse water (see col. 8, lines 29-50). It therefore would have been obvious to one having ordinary skill in the art to modify the washing process of the applied prior art, to include the tap water rinse step as taught by Huebner, for the purpose of conserving the purified/deionized rinse water.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claim 1 above, and further in view of either Tsipursky et al. (U. S. Pat. No. 5,721,306) or Egan et al. (U. S. Pat. No. 3,507,798, note that the reference listed as "SMIENS" on PTO form 892 as retrieved from the PTO reference database).

Claim 10 defines over the applied prior art only in the recitation of the composition additionally comprising a clay material. Egan (see col. 4, lines 53-65) and Tsipursky (col. 1, lines 24 and 44) each disclose a car wash cleaning composition where there is provided a clay material which provides a wetting/sheeting action. It therefore would have been obvious to one having ordinary skill in the art to modify the washing composition of the applied prior art, to include a clay material as taught by either Egan or Tsipursky, for the purpose of enhancing the removal of debris and soils from the surface and since it is old and well known that to use a clay material to help in the wetting or to increase the hydrophilicity of the surface being washed.

5. Claims 13, 14 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claim 1 above, and further in view of either

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Hawes (W079/48927), Smith (U. S. Pat. No. 3,355,018) or Arnaud (U. S. Pat. No. 5,647,977).

Claim 13 defines over the applied prior art only in the recitation of the purifier comprising at least three layers of ion exchange resin. Hawes (see figs 7a-8), Smith and Arnaud (see fig. 5) each disclose an ion exchanger having at least 3 layers. It therefore would have been obvious to one having ordinary skill in the art to modify the purifier of the applied art to employ at least three layers of ion exchange resin since this is considered to be an obvious extension of the teachings of de Sebastian. Re claim 14, Smith discloses the visual indication of depleted ion exchange resin (see col. 4, line 1-11). Re claim 31, Arnaud discloses the cation and anion ion exchange (see col. 6, lines 32-65).

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In Sherry et al., Germany'726, Woodruff, Pearson et al., Linder et al., Whatley, Sr. and Johnson, note the cleaning compositions.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (572) 272-1308. The examiner can normally be reached on M-F from 5:30 am to 2:00 pm and some Saturdays from approximately 5:30 am to 11:30 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr, can be reached on (571) 272-1700. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for


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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'FL Stinson'.

FRANKIE L. STINSON  
Primary Examiner  
GROUP ART UNIT 1746